



Jesse Arreguín
Councilmember, District 4

CONSENT CALENDAR
February 10, 2009

To: Honorable Mayor and Members of the City Council
From: Councilmember Jesse Arreguín
Subject: Letter supporting the release of Efren Paredes, Jr.

RECOMMENDATION:

Send the attached letter to Michigan Governor Jennifer Granholm in support of the immediate release of Efren Paredes, Jr., condemning his sentence, juvenile life in prison without parole, as a human rights violation in contravention of various treaties.

BACKGROUND:

1. Efren Paredes, Jr. was sentenced as a juvenile to life without parole (JLWOP) in violation of the following international laws:

- Convention on the Rights of the Child (CRC), entered into force Sept. 2, 1990; Article 37. The CRC is the world's most widely supported treaty which has been ratified by 192 nations. The CRC is signed but not ratified by the United States.
- International Covenant on Civil and Political Rights, ratified by the U.S. in 1992; Articles 10(2)(b), 10(3), 14(4)(4).
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice, Rule 17 (adopted by United Nations General Assembly Resolution 40/33 of Nov. 29, 1985).
- United Nations Guidelines for the Prevention of Juvenile Delinquency, Rule 46 (adopted by United Nations General Assembly Resolution 45/112 of Dec. 14, 1990).
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by the U.S. Oct. 21, 1994.
- International Convention on the Elimination of All Forms of Racial Discrimination, ratified by the U.S. Oct. 21, 1994.

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The United Nations Human Rights Commission has condemned juvenile to life without parole (JLWOP) sentence as a human rights violation.

The prohibition against juvenile to life without parole (JLWOP) is part of customary international law and the virtually universal condemnation of this practice can now be said to have reached the level of a *jus cogens* norm. When customary law is said to be a *jus cogens* norm, no persistent objection by a state (such as the US government's reservation of a right to impose JLWOP) will suffice to prevent the norm's applicability to all states. U.S. law recognizes that customary international law is part of domestic U.S. law and binds the government of the United States.

2. Juvenile to life without parole (JLWOP) is also a California and a U.S. practice, and is a local concern. The number of people in California presently serving life without parole who were sentenced as minors is over 200, and over 2000 nationwide. Currently the United States is the only country in the world imposing this unjust sentence.

3. Efren Paredes, Jr. is a Latino former high school honor student who was arrested at age 15 for a murder and armed robbery. The crime occurred on March 15, 1989 in St. Joseph, Michigan (USA). Mr. Paredes has already served 20 years, and is condemned by this sentence to die in prison.

The case against Mr. Paredes was entirely circumstantial, with neither eyewitnesses nor physical evidence to link him to the crime. To this day, Paredes maintains he was home with his family when the crime occurred. He was accused of being involved in the crime by conflicting statements of four youth who negotiated deals with the prosecutor for lenient sentences.

Paredes was arrested, tried and convicted in a three-month span of time amid a barrage of near daily adverse print, television and radio media coverage. He was the first Berrien County, Michigan juvenile to be tried and sentenced as an adult after passage of an October 1988 Michigan law which allowed prosecutors to automatically waive juveniles to adult court without a hearing.

Mr. Paredes' attorney Paul Ciolino is a wrongful convictions expert, and Chicago-based private investigator. Ciolino supports Paredes' innocence and vows to fight to exonerate him until he is vindicated.

4. Efren Paredes, Jr. has made remarkable accomplishments during his 20 years of imprisonment. He mentors college students, provides leadership and life skills to people, educates about the value of community, increases awareness about social justice issues and cultural preservation, actively works to build working relationships between various communities, and fosters peace and mutual respect between people. Further, he is the President of Latin American Spanish-Speaking Organization (LASSO) of Jackson, Michigan, an organization

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committed to the preservation of Latino culture and history, which also promotes education of others about the value, contributions, and legacy of Latino accomplishments.

Efren Paredes, Jr.'s exemplary case was featured in the ACLU of Michigan statewide juvenile life without parole study "Second Chances." He appeared on the cover of the national juvenile life without parole study jointly released by Human Rights Watch and Amnesty International "The Rest of Their Lives," and his case has been presented to the United Nations Human Rights Commission on two separate occasions.

The Michigan Parole Board heard Efren Paredes, Jr.'s case December 4, 2008, and will be making a recommendation to Michigan Governor Jennifer Granholm about its findings. Governor Granholm will be deciding soon on whether Mr. Paredes' sentence should be commuted, or reduced to time served.

FINANCIAL IMPLICATIONS:

NONE.

CONTACT PERSON:

Jesse Arreguín, Councilmember, District 4

981-7140

Attachments:

1. Letter

Attachment 1

February 11, 2009

Honorable Jennifer M. Granholm
Governor of the State of Michigan
P.O. Box 30013
Lansing, Michigan 48909

Re. Release of Efren Paredes, Jr.

Dear Governor Granholm,

With concern for the juvenile life without parole sentence, the Berkeley City Council urges you to reduce the sentence of Efren Paredes, Jr. to time served, and to immediately release him.

Paredes' sentence as a juvenile to life in prison without parole (JLWOP) violates human rights legal standards, as clarified in statements of the United Nations Human Rights Committee and the General Assembly.

The United States should be at the forefront of promotion and protection of human rights. For this country to be the lone holdout on the issue of JLWOP weakens our moral and legal standing in the international community. The Berkeley City Council supports the call for the United States to align itself with international law by ratifying banning JLWOP. We hope that you and others will join us in condemning the imposition of JLWOP, and in taking measures to remedy to the extent possible the heinous penalties already imposed under it.

Given Paredes' history as an honor student with no prior criminal record, the questionable circumstances that led to his conviction, and his inspirational leadership as a positive, productive member of society despite his location, his release after 20 years of incarceration would demonstrate to U.S. citizens that the State of Michigan courageously took appropriate action to restore justice and hope to America.

Mr. Paredes' release should be a pivotal step toward ending JLWOP sentences in the United States.

Thank you for your attention.

Sincerely,